

EXHIBIT J

From: Loftus, Julie
Sent: Monday, June 3, 2024 12:58 PM
To: Chris Kachouroff
Cc: Frey, Timothy
Subject: FW: Smartmatic/ Lindell - Production Gaps
Attachments: 2023.09.20 Smartmatic's First Set of Requests for Admission.pdf; 2023.09.20 Smartmatic's Fourth Set of Interrogatories.pdf; 2023.09.20 Smartmatic's Second Set of Requests for Admission.pdf; 2023.09.20 Smartmatic's Fifth Set of Requests for Production.pdf



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From: Loftus, Julie <JLoftus@beneschlaw.com>
Sent: Tuesday, May 7, 2024 4:19 PM
To: Chris Kachouroff <chris@mck-lawyers.com>; samuelharms@call00.com
Cc: Frey, Timothy <TFrey@beneschlaw.com>; Bedell, James <JBedell@beneschlaw.com>
Subject: Smartmatic/ Lindell - Production Gaps

Counsel:

I write to identify categories of documents that are responsive to Smartmatic's requests and are missing from Defendants' productions. Chris, these documents are separate from the items listed in my prior communications you noted you would be addressing this week.

First, Smartmatic served its final set of discovery requests on September 20, 2023. This includes (1) requests for production, (2) requests for admission, and (3) interrogatories.

Smartmatic has not received Defendants' written responses to these requests, nor have we received documents responsive to this set of requests. The requests are attached here for reference. In particular, Defendants have not produced documents responsive to **RFP Nos. 38-48**.

Second, we are missing numerous categories of documents responsive to Smartmatic's RFPs:

[Documents related to MyPillow](#)

- **RFP No. 23:** Defendants previously stated that no insurance agreements stating that another entity would be responsible for a judgment in this case exist. We request that Defendants verify that this is the case. In Defendants' production, there were communications with an insurance provider regarding Dominion's case against Defendants.
- **RFP No. 24:** Similarly, Defendants previously stated that they have no joint defense agreements with any other party concerning this case. We request that Defendants confirm that this is still the case or supplement the production with responsive agreement(s).
- **RFP No. 25:** Defendants have previously refused to produce MyPillow board minutes. From deposition testimony of multiple witnesses, we know that MyPillow keeps minutes of its board meetings. Additionally, we have seen minutes from at least one meeting in Defendants' production. Please confirm you will produce responsive board minutes.
- **RFP No. 26:** MyPillow produced P&L documentation, profits by customer, income statements, and tax returns for 2018–2021. Please confirm that Defendants will be supplementing the production to include documents through the present pursuant to their duties under Rule 26(e).
- **RFP No. 27:** Defendants previously stated that they have no MyPillow strategic business or planning documents. Please verify whether or not Defendants are standing on this position.

Documents related to Defendants' actual malice

- **RFP No. 16:** Defendants have not produced documents evincing payments to third parties working on Lindell's documentaries, such as Dennis Montgomery, Conan Hayes, Douglas Frank, Mary Fanning, and Brannon Howse. Smartmatic expects to see documents containing this information.
- **RFP No. 34:** We have not seen any documents regarding Lindell's efforts in Shasta County, California. These responsive documents are missing.

Let's discuss this week. Chris, I know we plan to speak tomorrow regarding other discovery items. Could this group meet Thursday or Friday to discuss?

Best,
Julie



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